

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

TERRY MICHAEL JENKINS,

Plaintiff,

v.

CENTRAL OHIO TRANSIT
AUTHORITY, *et al.*,

Defendants.

:

Case No. 2:25-cv-175

Chief Judge Sarah D. Morrison

Magistrate Judge Chelsey M.

Vascura

:

ORDER

This matter is before the Court on the Magistrate Judge’s February 25, 2025 Order and Report and Recommendation (R&R, ECF No. 3), and Mr. Jenkins’s “Motion for Contempt of Court” (ECF No. 4) and Motion for Temporary Restraining Order, Preliminary Injunction, and Summary Judgment (ECF No. 6).

I. R&R

The R&R granted Mr. Jenkins’s request to proceed *in forma pauperis* and recommended that the Court dismiss his Complaint (ECF No. 2) for failure to state a claim upon which relief can be granted. Although the R&R advised the parties of the right to file objections to the R&R and of the consequences of failing to do so, no objections have been filed and neither of Mr. Jenkin’s pending motions can be fairly construed as objections to the R&R.

For the reasons set forth therein, the Court **ADOPTS** and **AFFIRMS** the R&R (ECF No. 3) and **DISMISSES** the Complaint (ECF No. 2).

II. OTHER PENDING MOTIONS

Because this case must be dismissed, Mr. Jenkins's Motion for Temporary Restraining Order, Preliminary Injunction, and Summary Judgment (ECF No. 6) and his Motion for Contempt of Court (ECF No. 4) are **DENIED as moot**.

Even if the Court were to consider the merits of Mr. Jenkins's motions, both suffer from fatal deficiencies. First, his Motion for Temporary Restraining Order, Preliminary Injunction, and Summary Judgment (ECF No. 6) fails because it seeks relief from alleged conduct by an entity that is not a party to this case.

Second, Mr. Jenkins's Motion for Contempt of Court (ECF No. 4) fails to the extent it seeks to hold Defendants COTA and Kroger in contempt because the Court has not entered any order in this case directed at either Defendant. To the extent his Motion could be construed as an attempt to amend his Complaint to add a claim, it would still fail because it would not cure the deficiencies the Magistrate Judge identified in his Complaint. *See Miller v. Calhoun Cty.*, 408 F.3d 803, 817 (6th Cir. 2005) ("A court need not grant leave to amend where an amendment would be futile.") Similar to the threadbare allegations in his Complaint, his Motion alleges without factual support or a cognizable legal basis that the Dublin Police Department "falsely arrested" him. (ECF No. 4.)

III. CONCLUSION

The Court **ADOPTS** and **AFFIRMS** the R&R (ECF No. 3) and **DISMISSES** the Complaint (ECF No. 2). Mr. Jenkins's Motion for Contempt of Court (ECF No. 4) and Motion for Temporary Restraining Order, Preliminary Injunction, and Summary Judgment (ECF No. 6) are **DENIED as moot**. The Court further certifies

pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith. The Clerk is **DIRECTED** to **TERMINATE** this case from the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON, CHIEF JUDGE
UNITED STATES DISTRICT COURT